

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Interview Summary

As a preliminary matter, the Applicants express their appreciation to the Examiner for extending the courtesy of a personal interview on May 23, 2006. During the interview, the Applicants described the invention and discussed the differences between the claimed invention and the cited prior art. In particular, the interview discussion focused on the Shkedy reference (U.S. Patent No. 6,260,024), and on features recited in the claims of the present invention that are not disclosed or suggested by Shkedy. In addition, the Examiner suggested possible amendments to the claim language to further clarify the invention.

Summary of the Response

By the foregoing amendment, claims 1, 18, 25, 70, 103, 130, 137, 139, 144, 146 and 150 have been amended. Claims 2, 5, 7, 9-11, 13, 23-24, 62-63, 65-69, 75, 95-96, 98-102 and 108 have been previously canceled. No new matter has been added. Claims 3-4, 32-61, 64, 77-94, 97, and 110-129 have been previously withdrawn. Thus, claims 1, 6, 8, 12, 14-22, 25-31, 70-74, 76, 103-107, 109, and 130-151 are currently pending in the application and subject to examination.

In the Office Action mailed on April 7, 2006, claims 1, 6, 8, 12, 16-19, 21-22, 25-29, 70-74, 76, 103-107, 130, 134-137, 139, 143, 144, 146 and 150 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shkedy. Claims 14, 15, 30, 31, 109, 131-

133, 138, 140-142, 145, 147-149 and 151 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shkedy. It is noted that claims 1, 18, 25, 70, 103, 130, 137, 139, 144, 146 and 150 have been amended. To the extent the rejections remain applicable to the claims currently pending, the Applicants hereby traverse the rejections, as follows.

Claims 1, 18, 70, 103, 130, 137, 139, 144, 146 and 150 Recite Patentable Subject Matter

Regarding claims 1, 18, 70, 103, 130, 137, 139, 144, 146 and 150, as amended, the Applicants respectfully submit that Shkedy fails to disclose or suggest at least the combination of features of the present invention of “ranking the first bid and the second bid based on a comparison of each bid with the request for the item, the ranking including a first status indicator for the first bid and a second status indicator for the second bid, each of the first and second status indicators indicating one of a leading bid and a lagging bid” and “automatically initiating a re-bid for each lagging bid, the re-bid initiation including comparing each leading bid with a pre-set limit for the sender of the lagging bid,” as recited in amended claim 1, and in the similar language of amended claims 18, 70, 103, 130, 137, 139, 144, 146 and 150.

The Applicants further submit that Shkedy is not analogous art to the present invention, as Shkedy is directed to providing a global bilateral buyer-driven system for creating binding contracts. A central controller facilitates the buyer/seller transaction by fielding binding purchase orders from buyers and communicating those orders globally in a format which can be efficiently accessed and analyzed by potential sellers. Shkedy is directed to an intermediary system that concludes all buyer/seller transactions, while

the present invention is directed to a common marketplace, e.g., forum for conducting auctions among buyers and sellers that facilitates buyer/seller transactions without conclusion by an intermediary.

For at least these reasons, the Applicants respectfully submit that claims 1, 18, 70, 103, 130, 137, 139, 144, 146 and 150, as amended, are allowable over the cited art.

Claims 6, 8, 12, 14-17, 19-22, 25-31, 71-74, 76, 104-107, 109, 130-136, 138-143, 145, 147-149 and 151 Recite Patentable Subject Matter

Regarding claims 6, 8, 12, 14-17, 19-22, 25-31, 71-74, 76, 104-107, 109, 130-136, 138-143, 145, 147-149 and 151, the Applicants respectfully submit that each of these claims depends from one of allowable claims 1, 18, 70, 103, 130, 137, 139, 144, 146 and 150, and is therefore allowable for at least the same reasons.

Conclusion

For all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicant hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with

this communication to Deposit Account No. 01-2300, referring to client-matter
number 028035-00007.

Respectfully submitted,

Arent Fox PLLC

A handwritten signature in black ink, appearing to read 'Juliana Haydoutova', written over the printed name.

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